

**IN THE COURT OF THE XXVIII ADDL. CITY CIVIL &
SESSIONS JUDGE
Mayo Hall, Bangalore, [CCH.NO.29]**

Present :- Smt. B.S. Bharathi, B.Sc., LL.B.

Dated: This the 21st day of January 2020

Crl.Misc.No.25016/2020

Petitioner:

Syed Ameen,
S/o Late Syed Munawar,
Aged about 46 years,
Residing at No.8, 13th Cross,
Agara Main Road, Babusa Palya,
Prakruthi Township,
Bengaluru North,
Kalyananagar, Karnataka,
Bengaluru-560 043.

(Pleader By : Sri. Syed Mujahid Ul Islam)

.. Vs ..

Respondents:

1. State of Karnataka,
SHO, K.R.Pura P.S,
Bengaluru City,
Represented by:
The Learned Public Prosecutor,
City Civil Court Complex,
Bengaluru City.
2. Smt. Khavya.K,
D/o Krishna Murthy,
Aged about 42 years,
Residing at No.2,
Kamadenu Layout,
Mahadevapura,
Bengaluru-560 048.

(By Public Prosecutor)

ORDERS

This petition is filed by the Petitioner under Section 438 of Cr.P.C., praying for enlarging the Petitioner on anticipatory bail and to enlarge him on bail in case of registration of FIR against him for the offences punishable under Section 415 and 420 of IPC by the Respondent No.1 Police on the complaint lodged by the Respondent No.2 Smt. Khavya.K.

2. According to the Petitioner, the Respondent No.2 states that the Petitioner is running a Gas Agency by name M/s Bharath Gas Agency, having its agency at No.8, 17th Cross, Kalyananagar Street, Babusa Palya, Prakruthi Township, Bengaluru North, Kalyananagar, Bengaluru. The Petitioner has taken 770 cylinders of 19 Kgs each and also 72 cylinders of 5Kgs each from the agency of the Respondent No.2. The Petitioner is also liable to pay cash to the Respondent No.2. The Respondent No.2 requested the Respondent No.1 to take action against the Petitioner and to take back the

gas cylinders and cash from the Petitioner.

3. According to the Petitioner, he is innocent of the alleged offences. It is likely that he may be arrest in case Respondent No.1 register any case against this Petitioner. Hence, prays for allowing the petition on several other grounds.

4. The Prosecution has filed objections to this petition mentioning the brief facts of the petition averments and stating that no case has been registered against this Petitioner, if the bail is granted by making use of said bail order and he will commit the offence. Hence, prays for dismissing the bail application.

5. Heard, both the sides.

6. Basing on the above said facts, following points that arise for my consideration are:

“Whether the Petitioner has made out ground for granting anticipatory bail under Section 438 Cr.P.C.,?”

7. My findings on the above point is in the

Affirmative for the following:-

REASONS

8. However, Petitioner is apprehending that he is likely to be arrested in the complaint likely to be filed by the Respondent No.2 against him before Respondent No.1 police for the offences punishable under Section 415 and 420 of IPC for the offences which are not punishable with death or imprisonment for life and hence, I feel that the Petitioner has to be released on bail by imposing conditions even if the above case is registered against the petitioner since the said offences are not punishable with death or imprisonment for life. Hence, I answer point No.1 in the Affirmative.

9. In view of answering Point No.1 in the affirmative, I pass the following:

ORDER

The Petition filed by the Petitioner under Sec.438 Cr.P.C., is allowed.

The Petitioner is ordered to be released on bail on his executing personal bond for a sum of Rs.1,00,000/- with solvent surety for the like sum in the event of his arrest by the respondent police in connection with any case for the offences punishable under Section 415 and 420 of IPC is registered basing on the complaint of Respondent No.2 on the following conditions:-

- i. The Petitioner shall co-operate with the IO in the investigation and shall produce the documents as sought by the IO and appear before IO when called.
- ii. The Petitioner shall not repeat similar offences in future.
- iii. The Petitioner shall produce her passport size photograph with the address proof and also of the surety to the satisfaction of the Jurisdictional Magistrate and the I.O and if case is registered.

[Dictated to the Stenographer on 21.12.2019 thereafter, the same was transcribed and typed by the Stenographer and thereafter correct, signed and pronounced by me on 21st day of December 2019].

[B.S. Bharathi],
XXVIII. Addl. City Civil Judge,
Mayo hall, Bangalore.

Orders pronounced in open court
as under (vide separately):-

ORDER

The Petition filed by the Petitioner under Sec.438 Cr.P.C., is allowed.

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[B.S. Bharathi],
XXVIII. Addl. City Civil Judge,
Mayo hall, Bangalore.

